



**PLANNING DIVISION
STAFF REPORT**

City Council

April 7, 2025

CASE No.: ZON24-00756	PROJECT NAME: Dixon Property
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Owner's Name:	Eric and Jentry Dixon
Applicant's Name:	Sean Lake / Sarah Prince, Pew & Lake, PLC
Location of Request:	Located approximately 1,100 feet south of the southeast corner of East McKellips Road and North Val Vista Drive
Parcel No(s):	141-30-014L & 141-30-014N
Request:	Rezone from Single Residence-35 (RS-35) to Single Residence-35 with a Bonus Intensity Zone Overlay (RS-35-BIZ)
Existing Zoning District:	RS-35
Council District:	2
Site Size:	2.5± acres
Proposed Use(s):	Single Residences
Existing Use(s):	Single Residence & Vacant
P&Z Hearing Date(s):	February 26, 2025 / 4:00 p.m.
Staff Planner:	Jennifer Merrill, Senior Planner
Staff Recommendation:	APPROVAL with conditions
Planning and zoning Board Recommendation:	APPROVAL with conditions (4-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **August 25, 1979**, the City Council annexed 2,225.5± acres, including the project site, into the City of Mesa (Ordinance No. 1277).

On **February 18, 1980**, the City Council rezoned 810.8± acres from Maricopa County Rural-43 (RU-43), Single Residence-35 (R1-35), and R1-35 SU to City of Mesa Agricultural (AG), Suburban Ranch (SR) and Single Residence-35 (R1-35 [equivalent to current RS-35]). The project site was zoned R1-35 (Case No. Z80-018, Ordinance No. 1313).

On **March 7, 1995**, the Planning Director approved a lot split that divided a 9.3± acre parcel into three smaller lots. Per the approved land split, the project was identified as Parcel C and was 2.5± acres in size (Case No. LS95-005).

On **February 26, 2025**, the Planning and Zoning Board recommended that City Council approve the Proposed Project (Case No. ZON24-00756).

PROJECT DESCRIPTION

Background:

The applicant is requesting a rezone of the 2.5± acre project site from Single Residence-35 (RS-35) to Single Residence-35 with a Bonus Intensity Zone Overlay (RS-35-BIZ). This will allow for an additional single residence to be developed on the eastern portion of the site (Proposed Project).

The proposed project site consists of two single residence lots. Currently, only Lot 1 has frontage on Val Vista Drive. Lot 1 contains an existing single residence, which according to the Maricopa County Assessor's information was constructed in 1965. A lot split was approved in 1995 that split a 9.3± acre parcel into three smaller parcels (Case No. LS95-005). Per the approved lot split, the project site was identified as Parcel C and was 2.5± acres in size. At some point between when the land split was approved in 1995 and 2006, a second lot, Lot 2, was created to the east of Lot 1, which does not have frontage on a public or private street. This new lot was created by the previous property owner without City review or approval.

The requested BIZ Overlay is to allow modifications to certain development standards set forth in the Mesa Zoning Ordinance (MZO) to allow for the development of Lot 2 by creating a flag lot that has frontage on Val Vista Drive. The proposed BIZ Overlay would address non-conforming conditions on Lot 1 as a result of creating a flag lot for Lot 2.

General Plan Character Area Designation and Goals:

The proposed project site is located in the Neighborhood Character Area and the Citrus Sub-Area per the Mesa 2040 General Plan.

Per Chapter 7 of the 2040 General Plan, the primary focus of the Neighborhood Character Area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Per the Citrus Sub-Area Plan, the vision for the Citrus area is development that is rural in nature and characterized by large lot, single-family residences with no commercial uses other than limited office uses.

Staff finds that the Proposed Project is consistent with the vision of the Neighborhood Character Area and the Citrus Sub-Area Plan.

Zoning District Designations:

The request is to rezone the project site from Single Residence-35 (RS-35) to Single Residence-35 with a Bonus Intensity Zone overlay (RS-35-BIZ).

The intent of the RS district is to provide areas for detached single residence housing at densities of up to seven units per net acre. The -35 designator denotes the minimum lot size in thousands of square feet. Both of the proposed lots will be at least 35,000 square feet.

Airport Overflight Areas:

Per Section 11-19 of the MZO, the site is located within the City of Mesa Airfield (AF) Overlay District; specifically, within the Airport Overflight Area Three (AOA 3) due to its proximity to Falcon Field Airport. There are no residential use restrictions on properties within the AOA 3, but the development will need to comply with the Supplementary Provisions for Airfield Overlay Districts per MZO Section 11-19-5.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across N. Val Vista Dr.) Single Residence	North RS-35-BIZ Vacant	Northeast RS-35-PAD Single Residence
West (Across N. Val Vista Dr.) RS-35-PAD Single Residence	Project Site RS-35 Single Residence & Vacant	East RS-35-PAD Single Residence
Southwest (Across N. Val Vista Dr.) RS-35-PAD Single Residence	South RS-35 Single Residence	Southeast RS-35-PAD Single Residence

Compatibility with Surrounding Land Uses:

The proposed project site currently contains one single-family residence located at the front (west end) of the project site, and a large vacant area behind. To the north there is a vacant residential lot, and to the east and south, and across Val Vista Drive to the west are single residence properties. The proposed rezoning is compatible with the surrounding development and land uses.

BIZ Overlay Modification – MZO Article 3, Chapter 21:

Per Section 11-21 of the MZO, the purpose of the BIZ overlay is to provide for variation from certain development standards on the property to allow for greater intensity of development. Per Section 11-21-1 of the MZO, the overlay is also to encourage unique, innovative developments of superior quality.

Table 1 below shows the MZO required standards, the applicant’s BIZ proposals, and staff recommendations.

Table 1: Development Standards

Development Standards	MZO Required	BIZ Proposed	Staff Recommendation
<u>Minimum Lot Width – Interior Lot –</u> <i>MZO Table 11-5-3.A.1</i>	130 feet	20 feet (Lot 2)	As proposed

Development Standards	MZO Required	BIZ Proposed	Staff Recommendation
<u>Detached Accessory Building or Structures</u> – MZO Section 11-30-17(B)(2)(e)(i) -Greater than 200 square feet; equal to or less than 15 feet (interior side setback)	5 feet	1 foot (adjacent to south property line of Lot 1 only)	As proposed
<u>Fences and Freestanding Walls – Maximum Height</u> – MZO Section 11-30-4(A)(1) -Front Yards	No opaque or non-transparent fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 3.5 feet.	No opaque or non-transparent fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 7 feet.	As proposed

Minimum Lot Width – Interior Lot:

Per Table 11-5-3.A.1 in the MZO, the minimum lot width for interior lots in the RS-35 District is 130 feet.

Per the Site Plan, Lot 2 has a proposed lot width of 20 feet to accommodate a 20-foot-wide driveway leading from Val Vista Drive to the buildable portion of Lot 2.

Detached Accessory Building or Structures:

Per Section 11-30-17(B)(2)(e)(i) of the MZO, a detached accessory structure or building that is greater than 200 square feet and equal to, or less than, 15 feet in height must provide a 5-foot interior side setback.

There is an existing detached accessory structure on Lot 1. If a lot split is approved to create Lot 2, the property line for Lot 1 will be moved north resulting in a one-foot setback to the existing detached accessory structure.

Fences and Freestanding Walls – Maximum Height: Front Yards:

Per MZO Section 11-30-4(A)(1), no opaque or non-transparent fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 3.5 feet. Fences or freestanding walls over 3.5 feet high are allowed in front yards, provided the fence or freestanding wall does not exceed a maximum height of 4.5 feet, and the topmost 1.5 feet is visually transparent and not opaque.

The existing home fronts onto Val Vista Drive, and a seven-foot-tall cement block wall exists across the frontage, which appears to have existed since the 1970's when the property was originally developed for residential use. Similar walls exist along the east side of Val Vista Drive in front of neighboring properties. This existing wall will be located within the right-of-way required to be dedicated for Val Vista Drive. An encroachment permit is required for this wall to remain in its current location. If this wall is relocated east, this BIZ overlay would allow for a maximum seven-foot-tall wall within the front yard of Lot 1.

Criteria for approval of BIZ modifications:

Per MZO Section 11-21-3, the City Council may approve modifications to the underlying district standards proportionate to number of items and degree of compliance provided by projects that include distinctive, superior quality designs, and also address environmental performance standards. Per the narrative, the proposed home will be a high-quality custom home that meets the development standards of the RS-35 District except for those outlined in Table 1 above. Also per the narrative, the proposed single-family custom home will be built to be energy efficient in the following ways:

- Solar Panels and Battery Back-up system;
- Full Spray Foam Insulation with third party energy inspections and testing during and post construction to ensure fully sealed attics, walls, other penetrations. No Air permeable insulation should be used as a sealing material;
- Continuous air barrier fully sealed between all living and garage spaces;
- Fully sealed ducting and air systems, tested and certified by third party inspectors during and post construction;
- High efficiency Air Conditioning units;
- Timer switches on all electrical circuits where necessary to reduce electricity consumption;
- The use of water pressure and flow regulators, back-flow preventers, and pressure reduction valves where necessary to maximize water usage and create efficiencies;
- High efficiency glass, doors and windows; and
- During construction (if applicable), a commitment to recycling extra building materials and construction waste.

Staff finds that the Proposed Project meets the review criteria.

Site Plan and General Site Development Standards:

Per MZO Section 11-69-2, the Site Plan Review process is not required for a project with only one detached single residence. The proposal is for only one residence per lot and therefore does not require Site Plan Review. A site plan is included in the packet materials to illustrate the requested deviations from the development standards for single residence districts.

The site plan shows an existing single residence on a rectangular-shaped Lot 1, and a proposed single residence on an L- or flag-shaped Lot 2. Both lots are accessed from Val Vista Drive.

The existing house meets the required setbacks for the RS-35 District; however, the accessory building is located just one foot from the proposed new south property line of Lot 1. An existing seven-foot-tall wall is proposed to remain across the front of Lot 1, which will be located in the public right-of-way for Val Vista Drive.

The proposed house meets the required setbacks for the RS-35 District. The only requested modification to development standards for Lot 2 is to allow a reduction to the lot width from 130 feet to 20 feet.

School Impact Analysis:

Mesa Public Schools reviewed the request and indicated that the local schools have capacity to serve the proposed additional residence.

Proposed Development	Name of School	Annual Estimated Demand	Adequate Capacity to Serve
Bush Elementary	Elementary	0	Yes
Stapley Junior	Middle School	0	Yes
Mountain View	High School	0	Yes

Neighborhood Participation Plan and Public Comments:

The applicant completed a Citizen Participation process including notifying surrounding property owners within 1,000 feet, as well as HOAs and registered neighbors.

Staff was contacted by the property owner of an adjacent parcel to the south (APN 141-30-012B), as well as a representative of Ann Lynn Estates, located to the south. Neighbors expressed concerns regarding the driveway located along the south property line, which currently provides access to APN 141-30-012B, and also provides access to the irrigation control valves for the RWCD flood irrigation system for properties to the south.

A Citizen Participation Report is included in the packet materials, but due to the timing of the Report it does not contain updates regarding these concerns.

At the February 26, 2025, Planning and Zoning Board meeting three residence spoke in opposition to the project. Most expressed concern about maintaining uninterrupted access to their irrigation system, they are requesting written agreements to ensure continued access, safety, and improvements to the driveway. In response, the applicant stated that they are willing to work with the neighbors regarding access to the private drive and irrigation system, including relocating and repairing the irrigation valve at their own expense.

Staff Recommendation:

Staff finds that the Proposed Project complies with the 2040 General Plan, and with the criteria for approving a BIZ overlay per Section 11-21-3 of the MZO.

Staff recommends Approval of the request with the following **Conditions of Approval:**

1. Prior to the issuance of a building permit, record a cross-access easement for both parcels (APN Nos. 141-30-014L and 141-30-014N).
2. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
3. All off-site improvements and street frontage landscaping must be installed in the first phase of construction.
4. Prior to the issuance of a building permit, obtain approval of an encroachment permit for the existing wall located within the public right-of-way.
5. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner must execute the City's standard Avigation Easement and Release for Falcon Field Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b. Due to the proximity to Falcon Field Airport, any proposed permanent or temporary structure, as required by the FAA, is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.
 - c. Prior to the issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.
 - d. Provide written notice to future property owners that the project is within one mile of Falcon Field Airport
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must state in part: "This property, due to its proximity to Falcon Field Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
6. Compliance with the Building Form Standards outlined in Chapter 5 of the Zoning Ordinance as well as the Residential Development Guidelines.
7. Prior to the issuance of a building permit, apply for and receive approval for a lot split that conforms to the property lines shown on the submitted site plan.
8. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIIZ overlay as shown in the following table:

Development Standards	Approved
<u>Minimum Lot Width – Interior Lot –</u> <i>MZO Table 11-5-3.A.1</i>	20 feet (Lot 2)

Development Standards	Approved
<u>Detached Accessory Building or Structures</u> – MZO Section 11-30-17(B)(2)(e)(i) -Greater than 200 square feet; equal to or less than 15 feet (interior side setback)	1 foot (adjacent to south property line of Lot 1 only)
<u>Fences and Freestanding Walls – Maximum Height</u> – MZO Section 11-30-4(A)(1) -Front Yards	No opaque or non-transparent fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 7 feet.

Exhibits:

- Exhibit 1 - Presentation
- Exhibit 2 - Ordinance
- Exhibit 3 - Ordinance Map
- Exhibit 4 - Vicinity Map
- Exhibit 5 - Site Plan
- Exhibit 6 - Minutes
- Exhibit 7 - Submittal Documents